

# Environmental Protection Agency

§ 52.2723

## § 52.2722 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Puerto Rico's plans for the attainment and maintenance of national standards under section 110 of the Clean Air Act.

Furthermore, the Administrator finds that the plan satisfies all requirements of Part D, Title I, of the Clean Air Act, as amended in 1977.

## § 52.2723 EPA—approved Puerto Rico regulations.

### REGULATION FOR THE CONTROL OF ATMOSPHERIC POLLUTION

Puerto Rico regulation	Common-wealth effective date	EPA approval date	Comments
<b>PART I, GENERAL PROVISIONS</b>			
Rule 101—Title .....	9/28/95	1/22/97; 62 FR 3213	
Rule 102—Definitions .....	9/28/95	.....do .....	
Rule 103—Source Monitoring, Recordkeeping, Reporting, Sampling and Testing Methods.	9/28/95	.....do .....	
Rule 104—Emission Data Available to Public Participation.	9/28/95	.....do .....	
Rule 105—Malfunction .....	9/28/95	.....do .....	
Rule 106—Test Methods .....	9/28/95	.....do .....	
Rule 107—Air Pollution Emergencies .....	9/28/95	.....do .....	
Rule 108—Air Pollution Control Equipment .....	9/28/95	.....do .....	
Rule 109—Notice of Violation .....	9/28/95	.....do .....	
Rule 110—Revision of Applicable Rules and Regulations.	9/28/95	.....do .....	
Rule 111—Applications, Hearings, Public Notice.	9/28/95	.....do .....	
Rule 113—Closure of a Source .....	9/28/95	.....do .....	
Rule 114—Compulsory and Optional Hearing ..	9/28/95	.....do .....	
Rule 115—Punishment .....	9/28/95	.....do .....	
Rule 116—Public Nuisance .....	9/28/95	.....do .....	
Rule 117—Overlapping or Contradictory Provisions.	9/28/95	.....do .....	
Rule 118—Segregation and Combination of Emissions.	9/28/95	.....do .....	
Rule 119—Derogation .....	9/28/95	.....do .....	
Rule 120—Separability Clause .....	9/28/95	.....do .....	
Rule 121—Effectiveness .....	9/28/95	.....do .....	
<b>PART II, APPROVAL AND PERMIT</b>			
Rule 201—Location Approval .....	9/28/95	.....do .....	
Rule 202—Air Quality Impact Analysis .....	9/28/95	.....do .....	
Rule 203—Permit to Construct a Source .....	9/28/95	.....do .....	
Rule 204—Permit to Operate a Source .....	9/28/95	.....do .....	
Rule 205—Compliance Plan for Existing Emission Sources.	9/28/95	.....do .....	
Rule 206—Exemptions .....	9/28/95	.....do .....	
Rule 207—Continuing Responsibility for Compliance.	9/28/95	.....do .....	
Rule 208—Agricultural Burning Authorized .....	9/28/95	.....do .....	
Rule 209—Modification of the Allowed Sulfur-in-Fuel Percentage.	9/28/95	.....do .....	
Rule 210—(Reserved) Part III, "Variance".			
<b>PART III, VARIANCE</b>			
Rule 301—Variances Authorized .....	9/28/95	.....do .....	
Rule 302—Emergency Variances .....	9/28/95	.....do .....	
<b>PART IV, PROHIBITIONS</b>			
Rule 401—Generic Prohibitions .....	9/28/95	.....do .....	
Rule 402—Open Burning .....	9/28/95	.....do .....	
Rule 403—Visible Emissions .....	9/28/95	.....do .....	
Rule 404—Fugitive Emissions .....	9/28/95	.....do .....	
Rule 405—Incineration .....	9/28/95	.....do .....	
Rule 406—Fuel Burning Equipment .....	9/28/95	.....do .....	
Rule 407—Process Sources .....	9/28/95	.....do .....	
Rule 408—Asphaltic Concrete Batching Plants	9/28/95	.....do .....	
Rule 409—Non-Process Sources .....	9/28/95	.....do .....	

## REGULATION FOR THE CONTROL OF ATMOSPHERIC POLLUTION—Continued

Puerto Rico regulation	Common-wealth effective date	EPA approval date	Comments
Rule 410—Maximum Sulfur Content in Fuels ...	9/28/95	.....do .....	
Rule 412—Sulfur Dioxide Emissions: General ..	9/28/95	.....do .....	
Rule 413—Sulfuric Acid Plants .....	9/28/95	.....do .....	
Rule 414—Sulfur Recovery Plants .....	9/28/95	.....do .....	
Rule 415—Non-Ferrous Smelters .....	9/28/95	.....do .....	
Rule 416—Sulfite Pulp Mills .....	9/28/95	.....do .....	
Rule 417—Storage of Volatile Organic Compounds.	9/28/95	.....do .....	
Rule 423—Limitations for the Guaynabo PM <sub>10</sub> Nonattainment Area.	4/2/94	5/31/95; 60 FR 28333.	
<b>PART V, FEES</b>			
Rule 501—Permit Fees .....	9/28/95	1/22/97; 62 FR 3213.	
Rule 502—Excess Emission Fees .....	9/28/95	.....do .....	
Rule 503—Test Fees .....	9/28/95	.....do .....	
Rule 504—Modification .....	9/28/95	.....do .....	

[62 FR 3213, Jan. 22, 1997; 62 FR 6619, Feb. 12, 1997]

**§ 52.2724 [Reserved]****§ 52.2725 General requirements.**

(a) The requirements of § 51.116(c) of this chapter are not met, since section 2.4 of the Puerto Rico Regulation for Control of Atmospheric Pollution could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 2.4 is disapproved.

(b) Regulation for public availability of emission data. (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 to June 30 and July 1 to December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other